



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: SEPTEMBER 8, 2025
CALENDAR: 10:30 A.M. CHAPTER 7 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business** day prior to the hearing.

Information regarding how to sign up can be found on the **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by **ZoomGov** may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to the trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [25-24103](#)-A-7 **IN RE: RANDY/BRITTANY WILLIAMS**
[CVN-019](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-13-2025 [\[15\]](#)

CALVIN CLEMENTS/ATTY. FOR MV.
KW-F CORE NATOMAS OWNERS, LLC VS.

Tentative Ruling

Motion: Stay Relief to Pursue Unlawful Detainer Action and Writ of Possession

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted only to the extent specified in this ruling

Order: Civil minute order

Subject: Exercise of state law rights and remedies to obtain possession of real property located at 2745 Orchard Lane, #11305, Sacramento, California, including all actions necessary to pursue an unlawful detainer action and execute a writ of possession

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

FACTS

Debtor failed to pay rent for May 2025 which resulted in the movant serving a notice to pay rent or quit on May 6, 2025. Debtor did not comply with the notice and the movant filed an action for unlawful detainer on May 22, 2025. Trial for the unlawful detainer case was to begin on August 6, 2025. See Dec. 2:9-14. The debtors filed the instant Chapter 7 case on August 5, 2025. Vol. Pet., ECF No. 1. The state court matter is currently pending due to the automatic stay and judgement has not been entered on the case. See Dec. 2:12-14, ECF No. 17.

DISCUSSION

Cause

The automatic stay is applicable to "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate". 11 U.S.C. § 362(a)(3). The court can grant relief from the stay "for cause". 11 U.S.C. § 362(d)(1). In this instant case, the debtor has not paid rent since May 2025. The debtor's failure to make rental payments is cause under 11 U.S.C. § 362(d)(1).

Exception to Cause

Notwithstanding the fact that cause in Chapter 7 exists with the lack of pre-petition rental arrears, there is a narrow exception protecting residential tenants. 11 U.S.C. § 362(l) provides that if the debtor files and serves with the petition a certificate that they are entitled to cure under state law and have deposited the money to cure the entire default under state law, then a pre-petition default is not cause for stay relief. 11 U.S.C. § 362(l).

Here, the debtor has not invoked these rights. Under LBR 9014-1(f)(2), no written opposition is required for this motion. The court has reviewed the docket and finds that the debtor does not qualify for the exception under 11 U.S.C. § 362(l). No such certificate and/or deposit of funds exists.

As a result, the moving party shall have relief from stay to pursue through judgment the pending state-court litigation identified in the motion. The moving party may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any judgment, except: (1) from applicable insurance proceeds; or (2) by filing a proof of claim in this court.

The motion will be granted to the extent specified herein, and the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

KW-F Core Natomas Owners, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted to the extent specified in this order. The automatic stay is vacated to allow the movant to enforce its rights and remedies against the debtor to obtain possession of real property located at 2745 Orchard Lane, #11305, Sacramento, California, and to pursue an unlawful detainer action through judgment and execution of a writ of possession, if necessary.

IT IS FURTHER ORDERED that the movant may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in

this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding. And the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived.

2. [23-24304](#)-A-7 **IN RE: LORENZO JACKSON AND EMO**
TAULAGA-JACKSON
[KMT-5](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION FOR
COMPENSATION FOR RE/MAX GOLD AND RE/MAX DESERT PROPERTIES,
BROKER(S)
8-18-2025 [\[54\]](#)

JULIUS CHERRY/ATTY. FOR DBT.
GABRIEL HERRERA/ATTY. FOR MV.
DEBTORS DISCHARGED: 04/29/24

Tentative Ruling

Motion: Sell Real Property and Compensate Real Estate Broker

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted

Order: Prepared by moving party

Property: 984 North Pico Avenue, San Bernadino, California

Buyer: Kevin Jackson

Sale Price: \$320,000.00

Sale Type: Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

PROPERTY SALE

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). The property is being sold subject to overbidding and has a current buyer interested at the purchase price of \$320,000.00. As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

SALE FREE AND CLEAR UNDER § 363(f)

The sale will be free and clear of Robert J.T. Jackson's interest in the real property described above, and such interest shall attach to the proceeds of the sale with the same priority and validity as it

had before the sale. 11 U.S.C. § 363(f). The court will not approve the sale free and clear of any other lien or interest not identified in this paragraph.

The order shall state that the sale is free and clear of only the interest identified and that such interest shall attach to the proceeds of the sale with the same priority and validity as it had before the sale. The order shall also include the following statement verbatim: "If the filing fee for the motion was deferred and if such fee remains unpaid at the time the order is submitted, then the trustee or debtor in possession shall pay the fee for filing this motion to the Clerk of the Bankruptcy Court from the sale proceeds immediately after closing."

COMPENSATION OF BROKER

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3). The compensation sought for the broker is 6% of the gross sale price, or \$19,200.00. The court finds that the compensation sought is reasonable and will approve the application.

3. [25-23104](#)-A-7 **IN RE: SANDEEP SINGH**
[KWY-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-31-2025 [\[17\]](#)

TRACY WOOD/ATTY. FOR DBT.
NICHOLAS LAZZARINI/ATTY. FOR MV.
CROSSROADS EQUIPMENT LEASE AND FINANCE, LLC VS.
TRUSTEE NON-OPPOSITION

Final Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Civil minute order

Subject: Three 2023 Volvo Trucks and one Great Dane Reefer Trailer

Cause: delinquent installment payments 11 months/\$11,683.98

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

DEFAULT OF RESPONDENT

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

STAY RELIEF

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); *see also* Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). The debtor bears the burden of proof. 11 U.S.C. § 362(g)(2). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1). "An undersecured creditor is entitled to adequate protection only for the decline in the [collateral's] value after the bankruptcy filing." *See* Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 8:1065.1 (rev. 2019) (citing *United Sav. Ass'n v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 370-73 (1988)); *see also In re Weinstein*, 227 BR 284, 296 (9th Cir. BAP 1998) ("Adequate protection is provided to safeguard the creditor against depreciation in the value of its collateral during the reorganization process"); *In re Deico Electronics, Inc.*, 139 BR 945, 947 (9th Cir. BAP 1992) ("Adequate protection payments compensate undersecured creditors for the delay bankruptcy imposes upon the exercise of their state law remedies").

The debtor is obligated to make debt payments to the moving party pursuant to a loan contract that is secured by a security interest in the debtor's vehicle described above. The debtor has defaulted on such loan with the moving party, and post-petition payments are past due. Vehicles depreciate over time and with usage. As a consequence, the moving party's interest in the vehicle is not being adequately protected due to the debtor's ongoing post-petition

default. Further, debtor has stated his intent to surrender the vehicle, Statement of Intention, ECF No. 1.

Cause exists to grant relief under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Crossroads Equipment Lease and Finance, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as a 2023 Volvo, 2023 Volvo, 2023 Volvo, and one Great Dane Reefer Trailer, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

4. [24-23916](#)-A-7 **IN RE: CHRISTINE OLSON**
[RLL-3](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF REYNOLDS LAW,
LLP FOR ANTHONY ASEBEDO, TRUSTEES ATTORNEY(S)
7-18-2025 [\[48\]](#)

RABIN POURNAZARIAN/ATTY. FOR DBT.
ANTHONY ASEBEDO/ATTY. FOR MV.
DEBTOR DISCHARGED: 01/24/25

Final Ruling

Application: Allowance of First and Final Compensation and Expense Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Required Service: Fed. R. Civ. P. 5, Fed. R. Bankr. P. 7005

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 7 case, the Chapter 7 trustee's counsel, Reynolds Law, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$7,120.00. The motion itemizes costs and requests reimbursement of costs in the amount of \$7.19. The court will apportion the award and approve \$7,120.00 as compensation and reimbursement of expenses in the amount of \$7.19.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Counsel's application for counsel's allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$7,120.00 and reimbursement of expenses in the amount of \$7.19.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

5. [07-26029](#)-A-7 **IN RE: SCOTT/KELLY MYERS**
[BHS-3](#)

MOTION TO COMPROMISE CONTROVERSY WITH RHODE ISLAND
CONSOLIDATION LITIGATION, MOTION FOR COMPENSATION BY THE LAW
OFFICE OF BLASINGAME, BURCH, GARRARD & ASHLEY, P.C SPECIAL
COUNSEL(S), MOTION FOR COMPENSATION BY THE LAW OFFICE OF
MOTLEY RICE LAW FIRM SPECIAL COUNSEL(S)
7-31-2025 [[69](#)]

DIANA CAVANAUGH/ATTY. FOR DBT.
BARRY SPITZER/ATTY. FOR MV.
DEBTORS DISCHARGED: 11/13/07

No Ruling

6. [22-20832](#)-A-7 **IN RE: DANIEL STEWART**
[HCS-5](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF
HERUM\CRABTREE\SUNTAG, LLP FOR DANA A. SUNTAG,
TRUSTEES ATTORNEY(S)
8-4-2025 [\[123\]](#)

DEBTOR DISCHARGED: 06/02/23

Final Ruling

Application: Allowance of First and Final Compensation and Expense Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Required Service: Fed. R. Civ. P. 5, Fed. R. Bankr. P. 7005

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 7 case, the Chapter 7 trustee's counsel, Herum, Crabtree & Suntag, LLP, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$39,098.50. The motion itemizes costs and requests reimbursement of costs in the amount of \$459.26. The court will apportion the award and approve \$39,098.50 as compensation and reimbursement of expenses in the amount of \$459.26.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Counsel's application for counsel's allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$39,098.50 and reimbursement of expenses in the amount of \$459.26.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

7. [25-24038](#)-A-7 **IN RE: LINDEN COMMUNITY FIRST LLC**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
8-4-2025 [\[11\]](#)

DANA DOUGLAS/ATTY. FOR DBT.
DEBTOR DISMISSED: 08/19/25

Final Ruling

This case was dismissed on August 19, 2025. Accordingly, the Order to Show Cause will be removed from the calendar as moot. No appearances are required.

8. [25-23943](#)-A-7 **IN RE: SHERRY JOHNSON**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
8-15-2025 [\[14\]](#)

JAMES MOOTZ/ATTY. FOR DBT.

Final Ruling

The Order to Show Cause is discharged. No appearances are required. The court will issue a civil minute order.

9. [25-22551](#)-A-7 **IN RE: YOUNGSOON CHOI**
[FRB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-11-2025 [\[102\]](#)

PETER MACALUSO/ATTY. FOR DBT.
GERRICK WARRINGTON/ATTY. FOR MV.
RJS FINANCIAL VS.

No Ruling

10. [25-23860](#)-A-7 **IN RE: SAMANTHA POPHAM**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-11-2025 [\[13\]](#)

8/14/2025 FILING FEE PAID \$338

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

11. [21-22362](#)-A-7 **IN RE: EVA AGUILERA**
[DNL-6](#)

MOTION TO SELL
8-8-2025 [\[46\]](#)

CHAD JOHNSON/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.
DEBTOR DISCHARGED: 10/12/21

Tentative Ruling

Motion: Sell Real Property and Compensate Real Estate Broker

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Property: 4940 Hilltop Drive, El Sobrante, California

Buyer: Imam Din

Sale Price: \$525,000.00

Sale Type: Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court

considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

SALE OF PROPERTY

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

COMPENSATION AND REIMBURSEMENT OF BROKER

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3). The broker's compensation is 5% of the gross sale price, or \$26,250.00 subject to overbid. Additionally, the broker has prepared the property which needed significant work due to the property being full of debris that had accumulated over many years. The broker has incurred actual costs of \$9,034.46 which will be reimbursed along with any addition costs not exceeding \$1,000. An itemized list of the broker's cost has been provided in the motion. Motion, ECF No. 46, 4:1-6. The court finds that the compensation sought is reasonable and will approve the application.

USMS FEES

On February 28, 2025, USMS completed the eviction of the occupants of subject property and the trustee was able to take possession of the property. The eviction required no fewer than eight deputy marshals and assistance from Contra Costa County Sheriff and Animal Control. Declaration, ECF No. 48, 3:16-18. The cost for the USMS's service totaled \$12,869.60. Exhibit B, ECF No. 49.

11 U.S.C. § 503(b)(1)(A)(i) states:

- (b) After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including--
 - (1)(A) the actual, necessary costs and expenses of preserving the estate including--
 - (i) *wages, salaries, and commissions for services rendered after the commencement of the case;*

11 U.S.C. § 503(b)(1)(A)(i) (emphasis added).

The USMS services were necessary in preserving the estate and obtaining possession for the trustee. As such, the USMS fees will be approved pursuant to section 503(b)(1)(A).

12. [25-22462](#)-A-7 **IN RE: PATRICK TORREY**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-13-2025 [\[55\]](#)

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

13. [25-22263](#)-A-7 **IN RE: BRIAN/CECILIA HENDERSON**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-29-2025 [\[19\]](#)

STEPHAN BROWN/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.
ALLY BANK VS.
RESPONSIVE PLEADING

Tentative Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted in part, denied in part as moot

Order: Civil minute order

Subject: 2018 Chevrolet Silverado

Value of Collateral: \$24,227.00

Aggregate of Liens: \$34,605.58

Discharge: August 26, 2025

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated by Fed. R. Bankr. P. 7052, 9014(c)*. The findings of fact are as set forth above; the conclusions of law are as set forth below.

DEFAULT OF RESPONDENT

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by Fed. R. Bankr. P. 7055, 9014(c)*. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

STAY RELIEF

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R.

Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

As to the Debtor

The motion will be denied in part as moot to the extent it seeks stay relief as to the debtor. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion will be denied as moot as to the debtor.

As to the Estate

"[A]fter notice and a hearing," the court may terminate, annual, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); see also Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982). In this case, the aggregate amount due all liens exceeds the value of the collateral and the debtor has no equity in the property. The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Ally Bank's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the

matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as a 2018 Chevrolet Silverado. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. § 362(c) (2) (C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a) (3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

14. [24-24467](#)-A-7 **IN RE: STEPHEN SHAIDELL**
[KMT-5](#)

MOTION FOR TURNOVER OF PROPERTY UNDER SEC. 542(A)
8-18-2025 [[103](#)]

PATRICIA WILSON/ATTY. FOR DBT.
GABRIEL HERRERA/ATTY. FOR MV.
DEBTOR DISCHARGED: 07/07/25

Tentative Ruling

Motion: Compel Debtor's Turnover of Property of the Estate

Notice: LBR 9014-1(f) (2); no written opposition required

Disposition: Granted

Order: Prepared by movant

Subject property: 1113 Center Street, Redding, California

Property Value: \$1,600,000.00

Exemption: \$0

Liens: Secured Claim by Cornerstone Community Bank - \$414,000.00

Secured Claim by Jordan Elliot Must, Trustee - \$133,988.67

Secured Claim by Liberty Village, LLC - \$100,000.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

JUDICIAL NOTICE

A court may take judicial notice of documents "on file in federal and state courts," as they are undisputed matters of public record.

See *Harris v. County of Orange*, 682 F.3d 1126, 1131-32 (9th Cir. 2012) (citing *Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803 n.2 (9th Cir. 2002)).

The court takes judicial notice of the documents filed on the docket in this case.

FACTS

Geoffrey M. Richards, Chapter 7 trustee, seeks an order compelling the debtor to turn over to the trustee possession and control of the real property commonly known as 1113 Center Street, Redding, California. There are three secured claims against the property, one that the trustee discovered throughout his investigation: 1) \$414,000.00 secured claim by Cornerstone Community Bank, 2) \$133,988.67 secured claim by Jordan Elliot Must, Trustee, and 3) \$100,000.00 secured claim by Liberty Village, LLC.

SECTION 542(a)

Section 542(a) of the Bankruptcy Code requires the debtor and third parties to turn over to the chapter 7 trustee property that the trustee may use or sell. See 11 U.S.C. § 542(a). Property that is of inconsequential value or benefit to the estate is not required to be turned over to the trustee. See *id.* Other narrow exceptions and defenses are described in § 542. See *id.* § 542(b)-(d).

The trustee may compel the debtor to turn over property to the trustee by motion rather than by adversary proceeding. Fed. R. Bankr. P. 7001(1). The trustee bears the burden of proof, and must demonstrate that the property sought is property of the estate.

In this case, the trustee has made the requisite showing of the estate's interest in the property sought by turnover. The motion will be granted. The order shall state that the property described in the motion and supporting papers shall be turned over to the trustee at once and no later than 7 days from the date of service of the order on this motion.

15. [24-24467](#)-A-7 **IN RE: STEPHEN SHAIDELL**
[KMT-6](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION TO
EMPLOY WEST AUCTIONS, INC. AS AUCTIONEER(S) , MOTION FOR
COMPENSATION FOR WEST AUCTIONS, INC., AUCTIONEER(S)
8-18-2025 [[107](#)]

PATRICIA WILSON/ATTY. FOR DBT.
GABRIEL HERRERA/ATTY. FOR MV.
DEBTOR DISCHARGED: 07/07/25

Final Ruling

Motion: Sell Property
Disposition: Denied without prejudice
Order: Civil minute order

All creditors and parties in interest have not received sufficient notice. Notice of a proposed sale other than in the ordinary course of business must be noticed to all creditors and parties in interest in the debtor's bankruptcy case as required by Federal Rule of Bankruptcy Procedure 2002(a)(2).

7004 SERVICE

Service on federal government agencies must be made pursuant to Federal Rule of Bankruptcy Procedure 7004(b)(5). Fed. R. Bankr. P. 7004(b)(5). Under this rule, service must be made both (1) on the agency, and (2) on the United States. See *id.* Rule 7004(b)(4) prescribes the manner of service on the United States and requires service to be made to the attention of the civil process clerk at the U.S. attorney's office for this district and division and to the attention of the Attorney General of the United States at Washington, District of Columbia. Fed. R. Bankr. P. 7004(b)(4).

In this matter, the United States Small Business Association was not served under 7004 service. Certificate of Service, ECF No. 112. As such, the motion will be denied without prejudice.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to sell has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

16. [24-24467](#)-A-7 **IN RE: STEPHEN SHAIDELL**
[KMT-7](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH U.S. SMALL BUSINESS ADMINISTRATION
8-18-2025 [[113](#)]

PATRICIA WILSON/ATTY. FOR DBT.
GABRIEL HERRERA/ATTY. FOR MV.
DEBTOR DISCHARGED: 07/07/25

Tentative Ruling

Motion: Approve Compromise or Settlement of Controversy
Notice: LBR 9014-1(f)(2); no written opposition required
Disposition: Granted
Order: Civil minute order

Parties to Compromise: Trustee Geoffrey Richards; U.S. Small
Business Administration

Summary of Material Terms: Subject to the terms of the Agreement,
the SBA shall be allowed a secured claim in the amount of
\$73,149.04. The SBA's lien shall be in the priority and against the
assets for which its UCC Financing Statement was filed. The SBA
shall also be allowed an unsecured claim in the amount of \$73,149.04
less the amount received on account of its secured claim.

Unopposed motions are subject to the rules of default. Fed. R. Civ.
P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default
of the responding party is entered. The court considers the record,
accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v.*
Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987).

APPROVAL OF COMPROMISE

In determining whether to approve a compromise under Federal Rule of
Bankruptcy Procedure 9019, the court determines whether the
compromise was negotiated in good faith and whether the party
proposing the compromise reasonably believes that the compromise is
the best that can be negotiated under the facts. *In re A & C*
Props., 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good
faith negotiation of a compromise is required. The court must also
find that the compromise is fair and equitable. *Id.* "Fair and
equitable" involves a consideration of four factors: (i) the
probability of success in the litigation; (ii) the difficulties to
be encountered in collection; (iii) the complexity of the
litigation, and expense, delay and inconvenience necessarily
attendant to litigation; and (iv) the paramount interest of
creditors and a proper deference to the creditors' expressed wishes,
if any. *Id.* The party proposing the compromise bears the burden of
persuading the court that the compromise is fair and equitable and
should be approved. *Id.*

The movant requests approval of a compromise that settles the
dispute described above. The compromise is reflected in the
settlement agreement attached to the motion as an exhibit.

The trustee seeks approval of the following carve out agreement: "First, costs of sale and/or collection, including any auction and auctioneer fees and costs; Second, payment of senior liens, if any; Third, 50% of the proceeds to the SBA and 50% for the benefit of the bankruptcy estate other than the SBA (not to exceed the amount of the SBA's secured claim); Fourth, payment of any junior liens, if any, and in their respective priorities; Fifth, to the Debtor on account of any claims of exemption; and Sixth, the balance to the estate." Motion, ECF No. 113.

One factor supporting approval of the compromise consist of the probability of success in the litigation. This factor weighs in favor of the agreement because the U.S. Small Business Association is entitled to a secured claim against the personal property assets. The chance of success in litigation is very unlikely. Additionally, the agreement is in the best interest of creditors because it prevents any costly and time-consuming litigation that would likely end up unsuccessful for the trustee. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The compromise or settlement will be approved.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee's motion to approve a compromise has been presented to the court. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted. The court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as an exhibit and filed at docket no. 115.

17. [22-21669](#)-A-7 **IN RE: LINDSAY/LISA BRAKEL**
[DNL-24](#)

MOTION TO APPROVE GRAZING LEASE AGREEMENTS
8-18-2025 [[633](#)]

BYRON FARLEY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

18. [24-22469](#)-A-7 **IN RE: JENNIFER RODRIGUE**
[FEC-2](#)

ORDER TO SHOW CAUSE
7-28-2025 [\[303\]](#)

CARL GUSTAFSON/ATTY. FOR DBT.

No Ruling

19. [25-22473](#)-A-7 **IN RE: TYLERJAMES MCCALL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-11-2025 [\[68\]](#)

Final Ruling

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

20. [24-24375](#)-A-7 **IN RE: SHELLI CROWDER**
[BHS-2](#)

MOTION FOR COMPENSATION FOR BARRY H. SPITZER, TRUSTEES
ATTORNEY(S)
7-24-2025 [\[39\]](#)

RICHARD HALL/ATTY. FOR DBT.
DEBTOR DISCHARGED: 01/21/25

Final Ruling

Application: Allowance of First and Final Compensation and Expense Reimbursement

Notice: LBR 9014-1(f)(1); written opposition required

Required Service: Fed. R. Civ. P. 5, Fed. R. Bankr. P. 7005

Disposition: Approved

Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

COMPENSATION AND EXPENSES

In this Chapter 7 case, the Chapter 7 trustee's counsel, Law Office of Barry H. Spitzer, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$6,935.00. The motion itemizes costs and requests reimbursement of costs in the amount of \$134.26. The court will apportion the award and approve \$6,935.00 as compensation and reimbursement of expenses in the amount of \$134.26.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Counsel's application for counsel's allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$6,935.00 and reimbursement of expenses in the amount of \$134.26.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

21. [24-22678](#)-A-7 **IN RE: ALAN/MEGAN KENNEDY**
[JMV-1](#)

MOTION TO EMPLOY GOULD AUCTION & APPRAISAL COMPANY AS
AUCTIONEER, AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION
AND AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
8-11-2025 [[115](#)]

ERIC SCHWAB/ATTY. FOR DBT.
JEFFREY VETTER/ATTY. FOR MV.

Final Ruling

Motion: Sell Property and Compensate Auctioneer

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Property: 2021 Dodge Ram Big Horn; 1968 Plymouth Road Runner

Sale Type: Public auction

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55(c), *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3). The auctioneer is to receive a 15% commission on the gross proceeds of the sale of personal property, as well as receive a 10% buyer's premium to be paid by the buyer. The order is to be prepared by the movant. The court finds that the compensation sought is reasonable and will approve the application.

22. [25-23881](#)-A-7 **IN RE: EVER ROELOFS**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
8-12-2025 [\[17\]](#)

ELIZABETH CARLSEN/ATTY. FOR DBT.
RESPONSIVE ENTRY, 8/12/2025

Final Ruling

The Order to Show Cause is discharged. No appearances are required.
The court will issue a civil minute order.

23. [24-25385](#)-A-7 **IN RE: JOHN/JULIE CALLISON**
[PGM-4](#)

MOTION TO AVOID LIEN OF THOMAS J. IMPERATO, MD
7-29-2025 [\[53\]](#)

PETER MACALUSO/ATTY. FOR DBT.
DEBTORS DISCHARGED: 02/24/25

Final Ruling

Motion: Avoid Lien that Impairs Exemption

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted

Order: Prepared by moving party

Subject Property: 9569 De La Rosa Place, Elk Grove, California

Judicial Lien Avoided: \$1,548,540.02 (Thomas J. Imperato, MD)

All Other Liens:

-[Deed of Trust] \$628,027.32 (Freedom Mortgage)

Exemption: \$625,000.00

Value of Property: \$1,080,000.00

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks an order avoiding the judicial lien of creditor Thomas J. Imperato under 11 U.S.C. § 522(f).

LIEN AVOIDANCE

Section 522(f) of the Bankruptcy Code authorizes the court to avoid a lien "on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled." 11 U.S.C. § 522(f)(1). There are four elements to avoidance of a lien that impairs an exemption: (1) there must be an exemption to which the debtor would have been entitled; (2) the property must be listed on the schedules and claimed as exempt; (3) the lien must impair the exemption claimed; and (4) the lien must be a judicial lien or nonpossessory, nonpurchase-money security interest in property described in § 522(f)(1)(B). *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003). Impairment is statutorily defined: a lien impairs an exemption "to the extent that the sum of - (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens." 11 U.S.C. § 522(f)(2)(A).

The responding party's judicial lien, all other liens, and the exemption amount equals \$2,801,567.34 which exceed the property's value by an amount greater than or equal to the judicial lien. As a result, the responding party's judicial lien will be avoided entirely.

24. [25-22487](#)-A-7 **IN RE: PATRICK TORREY**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-13-2025 [\[28\]](#)

Tentative Ruling

If the filing fee has not been paid in full by the time of the hearing, the case may be dismissed without further notice or hearing.

25. [24-25798](#)-A-7 **IN RE: CHRISTY ALEXANDER-PEREZ AND ROBERT PEREZ**
[DS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-23-2025 [\[32\]](#)

SETH HANSON/ATTY. FOR DBT.
DANIEL SINGER/ATTY. FOR MV.
DEBTORS DISCHARGED: 04/07/25
TH MSR HOLDINGS LLC VS.

Final Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Granted in part; denied in part as moot

Order: Civil minute order

Subject: 974 Park Terrace Drive, Galt, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

AS TO THE DEBTOR

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

AS TO THE ESTATE

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under §362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 4 post-petition payments totaling \$8,814.28 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Movant's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 974 Park Terrace Drive, Galt, California. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. § 362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

26. [22-21669](#)-A-7 **IN RE: LINDSAY/LISA BRAKEL**
[DNL-28](#)

MOTION TO APPROVE FARMHOUSE LEASE AGREEMENT
8-18-2025 [[638](#)]

BYRON FARLEY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

27. [22-21669](#)-A-7 **IN RE: LINDSAY/LISA BRAKEL**
[DNL-27](#)

MOTION TO EMPLOY SUNFIRE REAL ESTATE AS PROPERTY MANAGER
8-18-2025 [[643](#)]

BYRON FARLEY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

28. [22-21669](#)-A-7 **IN RE: LINDSAY/LISA BRAKEL**
[DNL-26](#)

MOTION TO SELL
8-18-2025 [[649](#)]

BYRON FARLEY/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

29. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-6](#)

MOTION FOR TURNOVER OF PROPERTY
8-21-2025 [[117](#)]

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling

30. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-7](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
8-21-2025 [\[122\]](#)

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

Tentative Ruling

Objection: Objection to Claim of Exemptions
Notice: LBR 9014-1(f)(2); no written opposition required
Disposition: Sustained
Order: Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The Chapter 7 trustee objects to the debtor's claim of exemptions as follows.

EXEMPTIONS

Burden of Proof

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Civ. Proc. Code § 703.580(b). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." *In re Diaz*, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

Exemption Law in Bankruptcy

"The bankruptcy estate consists of all legal and equitable interests of the debtor in property as of the date of the filing of the petition." *Ford v. Konnoff (In re Konnoff)*, 356 B.R. 201, 204 (B.A.P. 9th Cir. 2006) (citing 11 U.S.C. § 541(a)(1)). A debtor may exclude exempt property from property of the estate. 11 U.S.C. § 522(b)(1).

Section 522 of Title 11 allows a debtor (1) to exempt property under § 522(d), unless a state does not so authorize, or (2) to exempt property under state or local law and federal law other than § 522(d). *Id.* § 522(b)(2)-(3)(A), (d). California has opted out of the federal exemption scheme. *Wolfe v. Jacobson (In re Jacobson)*, 676 F.3d 1193, 1198 (9th Cir. 2012) (citations omitted); accord 11 U.S.C. §§ 522(b)(2), 522(b)(3)(A), 522(d); Cal. Civ. Proc. Code §§ 703.010(a), 703.130, 703.140.

In determining the scope or validity of an exemption claimed under state law, the court applies state law in effect on the date of the petition. 11 U.S.C. § 522(b)(3)(A); *Wolfe*, 676 F.3d at 1199 (“[B]ankruptcy exemptions are fixed at the time of the bankruptcy petition.”); accord *In re Anderson*, 824 F.2d 754, 756 (9th Cir. 1987). “In California, exemptions are to be construed liberally in favor of the debtor.” *In re Rawn*, 199 B.R. 733, 734 (Bankr. E.D. Cal. 1996); see also *Sun Ltd. v. Casey*, 157 Cal. Rptr. 576, 576 (Cal. Ct. App. 1979).

Under California exemption law, debtors may elect either the set of special exemptions available only to debtors in bankruptcy under section 703.140(b) of the California Code of Civil Procedure (“special bankruptcy exemptions”) or they may elect the regular set of exemptions under Chapter 4 of Part 2, Title 9, Division 2 of the California Code of Civil Procedure excluding the exemptions under section 703.140(b) (“regular non-bankruptcy exemptions”). See Cal. Civ. Proc. Code § 703.140(a). But they may not elect both. See Cal. Civ. Proc. Code § 703.140(a)(1)-(3).

C.C.P. § 703.140(b)(6)

California Code of Civil Procedure Section 703.140(b)(6) states:

The following exemptions may be elected as provided in subdivision (a): (6) The debtor’s aggregate interest, not to exceed \$8,725 in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

C.C.P. § 703.140(b)(6) (emphasis added).

The debtor is seeking to exempt his 100% interest in RJT Consulting, LLC as a tool of the trade pursuant to C.C.P. § 703.140(b)(6). This is not an exemption under § 703.140(b)(6). The “tools of trade” exemption only protects those tools, equipment and other items of personal property reasonably necessary and *actually used* by a debtor in pursuit of his or her livelihood. See *C.F. Nielsen, Inc. v. Stern*, 11 CA4th Supp. 22, 25 (1992). Tools of the trade consists of things like a vehicle for work or a lawn mower. See *Sun Ltd v. Casey*, 96 CA3d 38, 41-42 (1979); see also *Peebler v. Danziger*, 104 CA2d 490, 491 (1951). Debtor’s 100% interest in an LLC is not a tool of the trade. As such, the objection to debtor’s exemptions is sustained.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The Chapter 7 trustee’s objection to the debtor’s exemptions has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend

in the matter, and having considered the well-pleaded facts of the objection,

IT IS ORDERED that the objection is sustained. The exemptions of claimed in debtor's 100% interest in RJT Consulting LLC is disallowed in its entirety.

31. [25-24260](#)-A-7 **IN RE: MICHAEL NORTON**
[DVW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-22-2025 [\[10\]](#)

ANH NGUYEN/ATTY. FOR DBT.
DIANE WEIFENBACH/ATTY. FOR MV.
21ST MORTGAGE CORPORATION VS.

Tentative Ruling

Motion: Stay Relief

Notice: LBR 9014-1(f)(2); no written opposition required

Disposition: Granted

Order: Civil minute order

Subject: 1983 Silvercrest Manufactured Home located at 6706 Tam O'Shanter Drive, Sp #85, Stockton, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

21st Mortgage Corporation seeks an order for relief from the automatic stay of 11 U.S.C. § 362(a).

STAY RELIEF

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under §362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed payments due on the debt secured by the moving party's lien and is currently due and owing \$168,015.02. Additionally, the debtor has stated their intention to surrender the property. Statement of Intention, ECF No. 1. This constitutes cause for stay relief.

The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

21st Mortgage Corporation's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as a 1983 Silvercrest Manufactured Home located at 6706 Tam O'Shanter Drive, Sp #85, Stockton, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

32. [24-25836](#)-A-7 **IN RE: REGINALD JACKSON**
[KMT-5](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION FOR
COMPENSATION FOR RED BLOCK REALTY, BROKER(S)
8-18-2025 [\[68\]](#)

GABRIEL HERRERA/ATTY. FOR MV.

Tentative Ruling

Motion: Sell Real Property and Compensate Real Estate Broker

Notice: LBR 9014-1(f)(2); written opposition required

Disposition: Granted

Order: Prepared by moving party

Property: 1100 Rio Norte Way, Sacramento, California

Buyer: Yvette Lovato

Sale Price: \$389,000.00

Sale Type: Private sale subject to overbid opportunity

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Section 363(b)(1) of Title 11 authorizes sales of property of the estate "other than in the ordinary course of business." 11 U.S.C. § 363(b)(1); *see also In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983) (requiring business justification). The moving party is the Chapter 7 trustee and liquidation of property of the estate is a proper purpose. *See* 11 U.S.C. § 704(a)(1). As a result, the court will grant the motion. The stay of the order provided by Federal Rule of Bankruptcy Procedure 6004(h) will be waived.

Section 330(a) of Title 11 authorizes "reasonable compensation for actual, necessary services" rendered by a professional person employed under § 327 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a). Reasonable compensation is determined by considering all relevant factors. *See id.* § 330(a)(3). The real estate broker, Reed Block of Reed Block Realty, is seeking the approval of compensation in the amount of \$23,340.00 or 6% of the gross sale price. The court finds that the compensation sought is reasonable and will approve the application.

33. [25-22551](#)-A-7 **IN RE: YOUNGSOON CHOI**
[FRB-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-25-2025 [[122](#)]

PETER MACALUSO/ATTY. FOR DBT.
GERRICK WARRINGTON/ATTY. FOR MV.
RJS FINANCIAL VS.

No Ruling

34. [24-24267](#)-A-7 **IN RE: RIKI TROWE**
[DNL-11](#)

MOTION TO SELL O.S.T.
8-26-2025 [[134](#)]

OMERO BANUELOS/ATTY. FOR DBT.
J. CUNNINGHAM/ATTY. FOR MV.

No Ruling